

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ROSE ACRE FARMS, INC.,)

Plaintiff,)

v.)

JUDGMENT

No. 5:14-CV-147-D

NORTH CAROLINA DEPARTMENT OF)

ENVIRONMENT & NATURAL)

RESOURCES, JOHN E. SKVARLA,)

Secretary, North Carolina Department of)

Environment and Natural Resources,)

TOM REEDER, *Director, Division of*)

Water Resources, North Carolina)

Department of)

Environment and Natural Resources,)

PAMLICO-TAR RIVER FOUNDATION,)

FRIENDS OF POCOSIN LAKES)

NATIONAL WILDLIFE REFUGE, and)

WATERKEEPER ALLIANCE, INC.,)

Defendants.)

Decision by Court.

This action came before the Honorable James C. Dever III, Chief United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that the court GRANTS defendants' motion to dismiss [D.E. 53] pursuant to Rule 12(b)(1) for lack of subject-matter jurisdiction.

Alternatively, the court DISMISSES the action pursuant to its discretion under the Declaratory Judgment Act. The court DISMISSES Rose Acre's motion for summary judgment [D.E. 65].

The clerk shall close the case.

This Judgment Filed and Entered on July 30, 2015, and Copies To:

Joseph A. Miller	(via CM/ECF electronic notification)
R. Sarah Compton	(via CM/ECF electronic notification)
Anita LeVeaux-Quigless	(via CM/ECF electronic notification)
Carolyn Ann McLain	(via CM/ECF electronic notification)
Eve C. Gartner	(via CM/ECF electronic notification)
Hannah Chang	(via CM/ECF electronic notification)
Jerome R. Eatman, Jr.	(via CM/ECF electronic notification)
Frederick H. Turner	(via CM/ECF electronic notification)
James T. Banks	(via CM/ECF electronic notification)
Donald J. Harris	(via CM/ECF electronic notification)
Henry W. Jones, Jr.	(via CM/ECF electronic notification)
Lori Peoples Jones	(via CM/ECF electronic notification)

DATE

July 30, 2015

JULIE RICHARDS JOHNSTON, CLERK

By: /s/ Courtney O'Brien
Deputy Clerk